



City of Wenatchee

Parks and Recreation Department PO Box 519, Wenatchee Washington 98801

Concession Application

(Read Conditions of the Concessions Permit before completing this form)

Today's Date: _____

Name: _____

Organization/Business: _____

Address: _____ City: _____ Zip: _____

Phone: Day _____ Evening _____ Email: _____

Commercial Business: _____ Non Profit: _____ (attach copy of proof)

Past experience with Concession operation or similar business: _____

Type of Concession stand to be used (attach photo or drawing): _____

Detailed listing of items to be sold or service provided and pricing (please specify): _____

Concession location preference: (rank preference):

Lincoln Park _____

Rotary Park _____

Pioneer Park _____

Washington Park _____

Locomotive Park _____

Centennial Park _____

Recreation Park _____

Specific location in park: _____

Date(s) of operation: _____ Time of operation: _____

Fees: Concession Permit Fee: \$100

Operation Fee: \$25/week of operation

Concessionaires plan of action to address recycling requirements and reduce impact of garbage and trash collection in park: _____

Concessions must be self contained. Water and electricity is not available

OFFICE USE:

Date: _____

Amount Paid: _____

- ☐ Insurance
- ☐ Health Department Permit
- ☐ City Business License

Conditions of the Concessions Permit

- 1) It is unlawful for any person or business to sell or offer for sale, any food, beverages or merchandise in any city owned park or recreation facility without first obtaining a permit for each vending location. Vending will only be allowed in certain public parks and recreation facilities as determined by the Parks and Recreation Advisory Board. Permits shall be issued only after approval of a vendor's application by the Parks and Recreation Director and after payment of a permit fee.

Short term, single season concessions shall be completed through the Concession Permit Application Process described below. City provided permanent or semi permanent concession structures or areas shall be awarded on a competitive basis through an RFP process completed on an annual basis as openings become available. In most cases permanent or semi permanent concessions shall be granted for a five year period through a specific Concession Agreement reviewed by the Parks and Recreation Advisory Board and approved by the City Council.

- 2) The fee shall be sufficient to cover all direct and indirect costs and expenses of the city and shall be reviewed annually by the Parks and Recreation Advisory Board and approved by the City Council.
 1. Activities sponsored by the City of Wenatchee Parks and Recreation Department receive first priority use and shall be except from any fees.
 2. Activities sponsored by non-profit organizations in which 50% or more of the participants reside in the City of Wenatchee shall be exempt from any fees. These organizations must provide civic, educational, athletic benefits to Wenatchee residents to be considered in this category.
 3. Activities sponsored by other organizations or City Departments that do not meet the residency requirements and all other users not addressed in the previous two categories shall be charged a permit fee as established in the Fee Ordinance.
 4. Concessionaire Responsible for Taxes. The Concessionaire shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of the performance and payment of the Concession Permit; including, but not limited to, Leasehold Excise Tax, currently at a rate not to exceed 12.84%.
- 3) Concessionaires interested in selling in public parks will be required to apply for a concessions permit specific to each park. The awarded contract will be for a term of one season (6 months) and the City of Wenatchee will have the right to review the location where the vendor will be selling, the price being charged and the product being sold to ensure that the appropriate concessions are being sold.
 1. Products being sold must complement the needs of park users.
 2. The City of Wenatchee reserves the right to allow more than one vendor per park and to limit the number of concessionaires at a facility.
 3. Permitted concessionaires will not be allowed to sell their concessions at permitted special events and events used as fund-raisers for non-profit organizations, unless authorized to do so by the event organizers. (Examples: Apple Blossom Festival, City Concerts and Movies in the Park, Fiestas Mexicanas, etc.). Only non-profit 501c (3) corporations may host fairs, festivals, or other events requiring an admission fee and/or including vendor booths.
- 4) Parties interested in selling a service or organizing a sports camp or instructional clinic in a city park are required to obtain a Sale of Service Permit to make available, to the general public, their service, clinic, or camp. All permits must be received at least 15 calendar days before the start of the event. Fees for the

Sale of Service Permit will be reviewed annually by the Parks and Recreation Advisory Board and established by the City Council in the City Fee Ordinance.

- 5) The application for a concession permit to operate in a public park or recreation facility shall include, on a form prescribed by the city, the following information:
 1. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the concession, business or organization.
 2. A description of the type of food, beverage, or merchandise to be sold or service provided.
 3. A description or sketch to scale of the proposed specific location of the vending business.
 4. A description and photograph or drawing of any stand to be used in the operation of the business, and the number of persons who will be continually attending the stand.
 5. Proof of an insurance policy, issued by an insurance company licensed to do business in the state, in the amount of seven hundred fifty thousand dollars (\$750,000.00) per claim and one and one-half million dollars (\$1,500,000.00) per occurrence, conditioned to hold the city harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of the vendor's failure or neglect to conform with any provision of this article or other ordinance of the city and further protecting the vendor and the city from all claims for damages to property and bodily injury, including death, which may arise from products liability and operations under or in connection with the permit. Such insurance policy shall name the city as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days advance written notice to the city. In addition, the vendor shall indemnify the city against any and all liability, loss or damage that the city may suffer as a result of claims, demands, costs or judgments resulting from the vendor's vending in city parks or recreation facilities.
- 6) Not later than fifteen (15) business days after the filing of a completed application for a concession permit, the applicant shall be notified by the Parks and Recreation Department of the decision on the issuance or denial of the permit. The Parks and Recreation Director shall consider fire hazards, traffic and vision obstructions, park uses, other permitted uses and events, availability of utilities, pedestrian movement, and other safety hazards, in determining whether to grant a permit. If the issuance of the permit is approved, the Parks and Recreation Director or designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the Parks and Recreation Advisory Board. A permit issued pursuant to this section is valid for a period of six (6) months from the date of issuance. The permit shall specify the location from which vending is permitted and shall only be valid for vending at that location.
- 7) Concessionaire shall not:
 1. Leave any stand unattended;
 2. Store, park or leave any stand beyond established park hours in any park, facility or public land with the exception of permanent or semi permanent concessions as approved through a separate Facility Use Agreement;
 3. Sell food or beverages for immediate consumption unless he or she has available for public use his or her own or a public litter receptacle which is available for his or her patrons' use; Beverages must not be dispensed in glass containers, but in cans or paper or plastic cups. Recycling receptacles must be provided by the concessionaire;

4. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
 5. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand;
 6. Set up, maintain or permit the use of any table, crate, cart, rack, or any other device to increase the selling or display capacity of his or her stand, where such items have not been described in his or her application;
 7. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
 8. Vend without the insurance coverage specified.
 9. Provide or sell alcoholic beverages of any sort may be sold within the permitted use area by the applicant without first obtaining the express written approval of a Facility Use Agreement or Special Event Permit, State of Washington permits and provision of additional Liquor Liability Insurance.
 10. Use all or any portion of a City park or recreational facility before 7:00 a.m., and shall or terminate later than 10:00 p.m.
 11. Discriminate against any person because of his or her race, national origin, ancestry, color, sex, religious creed, physical disability, mental disability, medical condition, or mental status.
 12. Sell, assign or transfer the concession without the prior written consent of the City.
 13. The applicant shall, as a condition subsequent to the granting of an application for use issued pursuant to this policy, comply with all health and safety requirements of the State of Washington, Chelan County and the City of Wenatchee relating in any way to the permitted use.
- 8) Concessionaire shall comply with and perform the Services in accordance with all applicable Federal, state, and City laws including, without limitation, all City codes, ordinances, resolutions, standards and policies, as now existing or hereafter adopted or amended, including but not limited to the following:
1. Federal, state and local health, safety and licensing laws relating to the sale of Concession goods;
 2. City code provisions requiring any person or entity doing business in the City to obtain a business registration; and
 3. City Parks and Recreation Department policies, including, but not limited to, its Concession Policy.
- 9) No signs shall be permitted at any vending location except for non-illuminated signs that are attached to the stand and do not exceed nine (9) square feet in size. Only signs posting prices or identifying the name of the product or the name of the vendor are allowed.
- 10) The Parks and Recreation Director may deny any application for a permit and may suspend or revoke the permit of any vendor for any of the following causes:
1. Fraud or misrepresentation contained in the application for the permit;

2. Fraud or misrepresentation made in the course of carrying on the business of vending;
3. Conduct of the licensed vendor in such manner as to create a public nuisance, or constitute a danger to the public welfare, morals, health and safety, including, but not limited to, fire hazards, safety hazards and obstructions to vision, traffic or pedestrian movement;
4. Failure to comply with all conditions of the permit.

From the date of denial, suspension or revocation, the vendor shall have ten (10) days in which to submit a written notice appealing such denial, suspension or revocation to the Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board shall hear and rule on the appeal no later than the second regularly scheduled meeting of the Board following filing of the notice of appeal.

- 11) The applicant, as a condition subsequent to the granting of an application for use, expressly covenants and agrees to indemnify, save harmless, and defend the City, its officers, officials, employees, agents and volunteers from any and all liability and claims for damages or loss of whatever nature and kind in any way connected with applicant's use other than that caused by the negligence or other legal fault of the City, its officers, officials, employees, agents and volunteers.